

### REMARKS

Reconsideration of the present application and entry of the following remarks are respectfully requested. Claims 1 to 51 are currently pending, and no claims have been amended.

The Office Action mailed October 5, 2004 addressed claims 1 to 51. Claims 1 to 51 were rejected.

Claims 1, 6 to 28, 32 to 40, 42 to 47 and 49 to 51 were rejected under 35 U.S.C. § 102(e) as being anticipated by Wu (6,645,091).

Applicants respectfully disagree with the Examiner. Wu discloses a golf ball formed from the reaction product of a polyol, diisocyanate and diol. Wu does not disclose or claim a golf ball wherein the cover is molded from a thermoplastic material having a particular melt index.

Applicants respectfully disagree with the Examiner's assertion that "[w]ith respect to the melt index prior to molding, the limitation appears to be a method step, which does not further limit the golf ball." The melt index is a particular property of the thermoplastic polyurethane material, and it is important that the melt index be in the claimed range. As disclosed by Applicants, the melt index in the claimed range produces better flow and lowers the injection molding temperatures required and allows for molding of thin cover layers (see, for example, specification page 10, line 22 to page 11, line 11). Applicants' claims 1, 11 and 45 have a specific melt index limitation, and claims 23 and 39 have a particular melt index requirement that the melt index is increased prior to molding.

Since Wu does not teach each and every element of Applicants' claims 1, 11, 23, 39 and 45 Applicants respectfully submit that Wu does not anticipate Applicants' claims. Claims 6 to 10, 12 to 22, 24 to 28, 32 to 38, 40, 42 to 44, 46, 47 and 49 to 51 depend or ultimately depend from claims 1, 11, 23, 39 and 45 and are therefore also not anticipated by Wu. Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 1, 6 to 28, 32 to 40, 42 to 47 and 49 to 51 as anticipated by Wu under 35 U.S.C. § 102(e).

Claims 2 to 5, 29 to 31, 41 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu (6,645,091) in view of Sullivan (6,210,293). The Examiner stated that Wu discloses the invention as disclosed above but fails to disclose the thickness of the cover layer, but Sullivan teaches an outer cover layer with a thickness from 0.01 to 0.1 inch. The Examiner concluded that one of ordinary skill in the art would have modified Wu with Sullivan for the desired durability.

Applicants respectfully disagree with the Examiner and submit that the Examiner has not made out a *prima facie* case of obviousness. As previously discussed, Wu is deficient because it does not disclose Applicants' invention. Wu does not disclose a golf ball comprising a cover formed from a thermoplastic material having a particular melt index, as required by Applicants' claims 1, 23, 39 and 45. Claims 2 to 5, 29 to 31, 41 and 48 depend from claims 1, 23, 39 and 45. The addition of another reference, Sullivan, does not cure the deficiency of Wu.

For at least these reasons, Applicants respectfully submit that claims 2 to 5, 29 to 31, 41 and 48 are not obvious over Wu in view of Sullivan. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of claims 2 to 5, 29 to 31, 41 and 48 under 35 U.S.C. § 103(a).

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

**CONCLUSION**

Applicants respectfully request allowance of claims 1 to 51, the claims currently pending.

Respectfully submitted,

GARY MATRONI ET AL.

Date: December 27, 2004  
Customer No. 24492  
Phone: (413) 322-2937

By Michelle Bugbee  
Michelle Bugbee, Reg. No. 42,370  
Attorney for Applicants  
The Top-Flite Golf Company  
A wholly-owned subsidiary of Callaway Golf Company  
425 Meadow Street  
P.O. Box 901  
Chicopee, MA 01021-0901

Cc: Richard M. Klein, Esq. (SLDZ 2 00312)